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TAGS: [MOPS](#) [PARM](#) [PREL](#) [NATO](#) [GM](#)
SUBJECT: GERMANY AGREES THAT OSLO PROCESS TEXT ON CLUSTER
MUNITIONS SHOULD NOT HINDER INTEROPERABILITY

REF: STATE 13607

Classified By: POLITICAL MINISTER COUNSELOR JEFF RATHKE. REASONS: 1.4 (B) AND (D).

¶1. (C) Pol-mil chief delivered reftel talking points to MFA conventional arms control desk officer Burkhard Ducoffre February 13, stressing U.S. concerns that several provisions in the draft Oslo Process text that will be considered at the Feb. 18-22 meeting in Wellington could have a severe impact on military cooperation between countries that adopt these requirements and those who do not. Ducoffre was well aware of the interoperability issue, referring to an Australian paper that outlines a variety of scenarios where the current draft text could cause problems. He stressed that Germany did not favor doing anything that could limit military cooperation with non-state parties, whether it be in the context of a UN Chapter VII mission or a NATO operation, and said Germany favored adding an explicit exception to this effect in Article 1(c) of the draft text.

¶2. (C) Pol-mil chief also emphasized that the U.S. continued to favor dealing with this issue within the framework of the Convention on Conventional Weapons (CCW), pointing out that the Oslo Process, unlike the CCW, does not include many of the major users and producers of cluster munitions (CM). Ducoffre countered that a critical mass of both users and producers had already joined the Oslo Process -- nine of the 12 users (all except the U.S., Russia and Israel) and 54 of the 76 producers. He thought that in any case, the outcome of the Oslo Process would be a treaty text, since Norway was ready to push forward with as few as 20 signatories. The only question was how many signatories above this minimum there would be. He thought this would depend on how far the U.S. was willing to go at the next round of CCW negotiations in April. If the U.S. insisted on nothing more than best practices in the production and deployment of CM, many countries would opt for an Oslo Process treaty text.

¶3. (C) Ducoffre reviewed Germany's proposed three-stage approach for dealing with CM, the first stage being an immediate ban on the most dangerous CM (those with a failure rate of more than 1%), followed by a transition period of several years during which guided munitions with a reliability rate of more 99% would be allowed. The third and final stage would be a total ban on all CM and the destruction of all stockpiles. Ducoffre went on to argue that Sensor Fused Area Munitions (SEFAM) and kinetic-energy rods would be a more effective way of engaging the whole range of targets that CM have traditionally been used against, without the negative humanitarian impact. He confirmed that it remains Germany's view that SEFAM should not be considered a CM and therefore not subject to prohibition.

under the Oslo Process text.
TIMKEN JR